

DRAFT
MINUTES
DEPARTMENT OF HEALTH
DIVISION OF MEDICAL QUALITY ASSURANCE
BOARD OF ACUPUNCTURE

GENERAL BUSINESS MEETING
TELEPHONE CONFERENCE CALL
December 13, 2013

CALL TO ORDER

Ms. Clancy, Chair, called the General Business Meeting to order approximately 9:00 a.m. Those present for all or part of the meeting included the following:

MEMBERS PRESENT

Melody Clancy, AP, D.O.M., Chair
Min Tian, AP, D.O.M., Ph.D., Vice-Chair
Katherine Teisinger, AP
Barbara Thurman, AP
Herman Vega, AMD, PhD, AP, LMHC
Greg Gunter, Consumer Member
Barbara Rezmer, Consumer Member

STAFF PRESENT

Alexandra Alday, Program Operations Administrator
Paula Mask, Program Operations Administrator
Jacqueline Clahar-Anderson, RS II

COURT REPORTER

For The Record
PHONE: 850.222-5491
FAX: 850.224.5316

BOARD COUNSEL

Lee Ann Gustafson, Esq.
Senior Assistant Attorney General

Please note the meeting minutes reflect the actual order agenda items were discussed during the meeting and may differ from the agenda outline.

An audio of this meeting can be found by clicking on "Audio Files" at http://www.doh.state.fl.us/mqa/acupunct/acu_meeting.html

Ms. Teisinger made a formal objection to the meeting being held as a conference call. Ms. Teisinger indicated the board expressed at a previous meeting for all meetings to be conducted as face-to-face meetings.

Ms. Gustafson explained the provision in Chapter 456, Florida Statutes, which states disciplinary cases may be held at an in-person meeting which constitutes ***initial*** disciplinary cases and only certain violations are included in that definition.

It was the consensus of the board to hold in-person meetings.

Compliance and Probation Review

1. Ernest Gonzalez

Mr. Gonzalez was present without counsel.

Mr. Gonzalez requested reinstatement of his license.

Dr. Penny Ziegler, Professional Resource Network (PRN), stated Mr. Gonzalez has been under contract with Professional Resource Network since August 2012 and has been in compliance with the contract and is active in the program. Dr. Ziegler also stated in preparation for Mr. Gonzalez's board appearance, he was re-evaluated and indicated he is able to practice acupuncture with reasonable skill and safety.

Action Taken: After discussion, Ms. Clancy moved to lift the suspension of his license, and place him on probation for two years as he has complied with all requirements in the Final Order. Motion seconded and passed 6/1 with Mr. Gunter opposing the motion.

REVIEW AND APPROVAL OF MINUTES

1. September 13, 2013 General Business Meeting

Action Taken: Mr. Gunter indicated an error on Page 1 of the Minutes. Dr. Vega was listed as being present and also absent at the meeting. Ms. Rezmer made a motion to approve the minutes with the necessary corrections. Motion seconded by Mr. Gunter, which passed unanimously.

2. September 25, 2013 Conference Call

Ms. Teisinger indicated she had not seen a copy of the letter which was to be written in regards to Dr. Vega's declaratory statement. Ms. Gustafson explained she had suggested the Board write a letter instead of answering a declaratory statement; however, the board chose to answer the declaratory statement. Ms. Gustafson further stated the declaratory statement was prepared with the language the Board asked for and sent to Dr. Vega.

Action Taken:

After discussion Ms. Teisinger made a motion to approve the minutes as written. Motion seconded by Ms. Clancy, which passed unanimously.

ADMINISTRATIVE PROCEEDINGS

3. Kristan Richardson Puketza – Endorsement from another State

Applicant was not present. Applicant sent a letter requesting to withdraw her application.

Action Taken: After discussion, Melody Clancy made a motion to accept the withdrawal of Ms. Kristan Richardson Puketza's application. Motion was seconded by Barbara Rezmer, which passed unanimously.

1. Jennifer Arens – Examination

Applicant was not present.

Action Taken: After discussion, Ms. Teisinger made a motion to grant the license unencumbered. Mr. Gunter seconded the motion which passed unanimously.

2. Tadeusz Sztykowski – Examination enrolled prior to August 1, 1997

Applicant was present without counsel.

Action Taken: After discussion, Ms. Thurman made a motion to grant the license unencumbered. Motion was seconded by Ms. Teisinger, which passed unanimously.

PETITION FOR A VARIANCE OR WAIVER

1. William Palmer – Rule 64B1-7.0015, F.A.C.

Licensee requested a variance or waiver of Rule 64B1-7.0015, F.A.C. He requested the board's approval for a waiver of continuing education requirements as he has been enrolled at Palmer University and has met or exceeded the continuing education requirement.

Action Taken: After discussion Ms. Clancy made a motion to approve the variance and waiver of rule 64B1-7.0015, F.A.C. Dr. Vega seconded the motion, which passed 6/1 with Mr. Gunter opposing.

REPORTS

Board Chair Report – Melody Clancy

Ms. Clancy did not have a report; however, she informed the Board she was the liaison for the Healthy Weight Initiative. Ms Clancy asked fellow board members for their input in making Florida the Healthiest State in the Nation.

Board Counsel Report – Lee Ann Gustafson, Esq.

1. Proposed Rule Draft – Chapter 64B1, F.A.C. Addition: Voluntary Relinquishment of License

This rule is proposed as a result of the need for a uniform rule across all professions that delineates when a voluntary relinquishment request may be acted upon by board staff and when it requires board approval.

64B1- _____ Voluntary Relinquishment of License.

(1) If a licensee wishes to voluntarily relinquish a license at a time when no investigation has been initiated against the licensee, no investigation against the licensee is anticipated, and no disciplinary action is pending, and the licensee is not under any current restrictions or obligations by the Board of this state or any other jurisdiction, then the licensee's request for voluntary relinquishment may be acted upon by staff without further action by the Board. In such a case, the voluntary relinquishment shall not be considered action against the license as that term is used in Section 456.072(1)(f), F.S.

(2) If a licensee wishes to voluntarily relinquish a license, but the licensee or the license is currently under any of the constraints set forth in subsection (1) above, then the licensee may relinquish the license only with the approval of the Board. If the voluntary relinquishment is accepted by the Board at the time an investigation is underway, or is anticipated, or when a disciplinary action is in progress, then the acceptance of the voluntary relinquishment of the license shall be considered action against the license as that term is used in Section 456.072(1)(f), F.S., and shall be reported as such by the Board.

Rulemaking Authority 456.072, 457.109

Action Taken: After discussion, Ms. Rezmer made a motion to approve the rule language. Motion seconded by Mr. Gunter, which passed unanimously.

2. Rule 64B1-6.006, F.A.C., Continuing Education Provider Registration, and Rule 64B1-6.008, F.A.C., Approved Continuing Education Programs (Includes Form DOH/AP006 Acupuncture Continuing Education Program Application)

64B1-6.006 Requirements for the Provider. Continuing Education Provider Registration

Each provider shall:

(1) Submit Form DOH/AP0067 Rev. 12/13, Acupuncture Continuing Education Program Application Continuing Education Provider Registration, which is hereby incorporated by reference, and pay the Initial Continuing Education Provider Registration ~~provider registration fee set forth in Rule 64B1-2.009, F.A.C.~~ ~~The provider registration fee is non-refundable and shall be paid within each biennium upon the earliest of the following events that occurs during the biennium:~~ Copies of the Application are available at the following website:

(a) ~~When the provider submits a new program or programs for Board approval; or~~

(b) ~~When the provider provides a continuing education program to Chapter 457 F.S., licensees for licensure renewal credit.~~

(2) Insure that the continuing education program(s) presented by the provider complies with these rules.

(3) Maintain a complete, alphabetized, legible roster of participants for a period of 3 years following each program presentation.

(4) Maintain a "sign-in" sheet and a "sign-out" sheet with the signatures of participants.

(5) Provide each participant with a certificate certifying that the participant has successfully completed the program. The certificate shall not be issued until completion of the program and shall contain the provider's name, title of program, date of program, location, and number of credit hours.

(6) Notify the Board of any significant changes relative to the maintenance of standards as set forth in these rules.

(7) Ensure that no person receives credit for the same program more than once.

(8) Notify the Board of any change in the presenters or instructors of any approved program, and demonstrate the new instructor meets the criteria set forth in subsection 64B1-6.005(2), F.A.C.

(9) Designate a contact person who assumes responsibility for each program, and who is knowledgeable about each program. The contact person shall notify the Board of any significant changes in programs or a lapse in the maintenance of standards.

(10) In a correspondence continuing education program, ~~each provider is responsible for~~ obtaining from each certificateholder a signed statement which states that the participant did in fact read the material, performed the exercises and took the examination personally.

(11) ~~There shall be~~ Maintain adequate personnel to assist with administrative matters and personnel with competencies outside content areas in cases when the method of delivery requires technical or other special expertise.

(12) ~~Providers shall~~ Maintain records of individual offerings for inspection by the Department; records shall include subject matter, objectives, faculty qualifications, evaluation mechanisms, credit hours and rosters of participants.

Specific Authority 456.013, 457.104, 457.107(3) FS. Law Implemented 456.013, 457.107(3) FS. History—New 2-24-88, Amended 7-25-88, Formerly 21AA-6.006, 61F1-6.006, Amended 3-18-97, Formerly 59M-6.006, Amended 2-18-98, 7-26-04.

64B1-6.008 Process for Program Approval. Approved Continuing Education Programs.

(1) ~~In order to receive Board approval of one or more programs for which continuing education credit is awarded within a biennium to an acupuncture licensee a provider shall submit an application for approval Form DOH/AP006, Continuing Education Program Approval, which is hereby incorporated by reference and will be effective 7-26-04, copies of which may be obtained from the Board office shall be submitted to the Board Office for program approval.~~

(1) ~~(2)~~ The following courses, that meet the criteria for approval under this section, are approved by the Board:

(a) Organized courses of study sponsored by a national or state acupuncture and/or oriental medicine organization that is registered with the Board.

(b) Organized courses of study sponsored by an accredited acupuncture and/or oriental medicine school that is registered with the Board.

(2) ~~(3)~~ The Board retains the right and authority to audit and/or monitor programs given by any provider. The Board will reject individual programs offered by a provider if the provider has disseminated any false or misleading information in connection with the continuing education

program, or if the program provider has failed to conform to and abide by the rules of the Board.

(3) (4) If approved, the provider may identify the program as “approved by the Florida Board of Acupuncture for Purposes of Continuing Education Credit” in any flyer or other advertisement.

Specific Authority 456.013(7), (8), (9), 456.025, 457.104, 457.107(3) FS. Law Implemented 456.013(7), (8), (9), 456.025, 457.107(3) FS. History– New 2-24-88, Formerly 21AA-6.008, 61F1-6.008, Amended 1-16-97, Formerly 59M-6.008, Amended 2-18-98, 7-26-04, 2-7-06.

Action Taken: After discussion Ms. Thurman made a motion to approve the rule language and forms. Motion seconded by Ms. Rezmer, which passed 6/1 with Dr. Vega opposing.

Application Examination & Endorsement Liaison Report – Katherine Teisinger & Min Tian

No report at this time.

Budget Liaison Report – Gregory Gunter

Mr. Gunter referred the board to the cash balance report ending September 30, 2013.

**Community Relations Liaison Report – Barbara Rezmer
Consumer Protection Liaison Report – Barbara Rezmer**

No report at this time.

Continuing Education Liaison Report – Barbara Thurman, Melody Clancy, Min Tian, Herman Vega

No report at this time.

Legislative & Rules Liaison Report – Melody Clancy and Min Tian

No report at this time.

Unlicensed Activity Liaison Report – Melody Clancy

No report at this time.

REVIEW OF CONTINUING EDUCATION COURSES

<u>Provider Name</u>	<u>Course Name</u>	<u>Course #</u>
1. The Interactive Health Network, LLC	Acupuncture and Disorders of the Ear: Case Studies Part 2	20-400929

Action Taken: Ms. Thurman moved to deny the course as the documentation submitted does not provide enough or sufficient information to justify the credit hours requested. The motion was seconded by Barbara Rezmer and passed unanimously.

2. The Interactive Health Network, LLC	Acupuncture and Disorders of the Ear: Case Studies Part 3	20-400931
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Action Taken: Ms. Thurman moved to deny the course as the documentation submitted does not provide enough or sufficient information to justify the credit hours requested. The motion was seconded by Barbara Rezmer and passed unanimously.

**3. The Interactive Health Network, LLC How to Explain Acupuncture from a
Western based approach 20-400935**

Action Taken Ms. Thurman moved to deny the course as the documentation submitted does not provide enough or sufficient information to justify the credit hours requested. The motion was seconded by Barbara Rezmer and passed unanimously.

**4. Pro D Seminars The Clinical Significance of Emptiness
Spirit and Ego in the practice of
Chinese Medicine 20-415316**

Action Taken: Ms. Teisinger made a motion to approve the course. Ms. Tian seconded the motion, which passed 6/1 with Dr. Vega opposing.

5. Advanced Fundamentals Education, LLC. Shoulder Dysfunction & Pain 20-379971

Action Taken: After discussion Ms. Clancy made a motion to deny the course based on Rule 64B1-6.005(2), F.A.C., which was seconded by Ms. Rezmer and passed unanimously.

NEW BUSINESS

1. Ratification of Licensure

Action Taken: Ms. Rezmer moved to ratify the new licensees, license numbers 3320 through 3354, which was seconded by Ms. Thurman and carried unanimously.

2. Ratification of Continuing Education Courses – 8/23/2013 through 11/21/2013

Action Taken: Mr. Gunter moved to ratify the continuing education courses list, which was seconded by Mr. Gunter and carried unanimously.

Ms. Teisinger requested to receive continuing education credits for time attended at a meeting where there is discipline. Ms. Mask indicated she would forward this information to cebroker.

NEXT MEETING

**February 28, 2014
Rosen Plaza
9700 International Drive
Orlando, FL 32819**

The meeting adjourned approximately 10:37 a.m.